

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

STACY A. BORJAS,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION
et al.,

Defendants.

23-CV-10829 (OTW)

OPINION & ORDER

ONA T. WANG, United States Magistrate Judge:

The Court has reviewed Plaintiff's submissions at ECF Nos. 51, 52, 53, 54, 55, 77, 78, 81, and 82. After review of the proposed redactions, Plaintiff's motion to redact the Second Amended Complaint (the "SAC") is **GRANTED**, and Plaintiff's motion to redact the Third Amended Complaint (the "TAC") is also **GRANTED**.

Plaintiff proposed redactions in the SAC and the TAC are tailored to shield only health information protected by HIPAA. (ECF Nos. 52, 55, 77, 81). *See also* 45 C.F.R. § 160.103. Information protected by HIPAA is not subject to the First Amendment or common law right of access. *Offor v. Mercy Med. Ctr.*, 167 F. Supp. 3d 414, 445 (E.D.N.Y. 2016), *aff'd in part, vacated in part on other grounds*, 676 F. App'x 51 (2d Cir. 2017) (collecting cases); *Leib-Podry v. Tobias*, 22-CV-8614 (VEC) (JW), 2024 WL 1134597, at *2 (S.D.N.Y. 2024), *appeal dismissed* (July 31, 2024) (“[T]he need to protect sensitive medical information provides justification for tailored sealing and redactions[.]”). *See also Valentini v. Grp. Health Inc.*, 20-CV-9526 (JPC), 2020 WL 7646892, at *2 (S.D.N.Y. Dec. 23, 2020) (“Because a plaintiff maintains significant privacy rights to her medical information, courts regularly seal records protected from disclosure by HIPAA.”).

Moreover, while the presumption of access afforded to pleadings is generally high, with respect to the SAC, the reasons for this high presumption are absent, as the TAC will form the basis for any final determination of this action. *See Bernstein v. Bernstein Litowitz Berger & Grossmann LLP*, 814 F.3d 132, 141 (2d Cir. 2016); *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 121 (2d Cir. 2006); *United States v. Amodeo*, 71 F.3d 1044, 1048–50 (2d Cir. 1995).

Accordingly, Plaintiff's motions to redact the SAC and the TAC are **GRANTED**. The Clerk of Court is respectfully directed to close ECF Nos. 51, 55, and 77.

SO ORDERED.

Dated: April 30, 2025
New York, New York

/s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge